

E-filed 2/12/07

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Attorneys for Cross-Defendant
SIGNS HAWAII

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ARBSLAND,
Plaintiff,

v.

SOUTHWEST SIGNS, THE HOME
DEPOT, INC.; AND DOES 1-100,
Defendants.

SOUTHWEST SIGNS, LLC,
Cross-Complainant,

v.

THE HOME DEPOT, SIGNS HAWAII,
SIGN ART, L. MORIGUCHI, INC.,
AND DOES 1 through 50, inclusive,
Cross-Defendants.

Case No. C06-04191 PVT

STIPULATION TO (1) CONTINUE
DATE ON WHICH SIGNS HAWAII
MAY RESPOND TO SOUTHWEST
SIGN'S CROSS-COMPLAINT AND (2)
DATE OF CASE MANAGEMENT
CONFERENCE DUE TO
UNAVAILABILITY OF
MAGISTRATE JUDGE TO HEAR
MOTION TO COMPEL;
DECLARATION OF ELIZABETH A.
SULLIVAN; [PROPOSED] ORDER
THEREON

Prior Date on Which Signs Hawaii
Must Respond To Southwest Sign's
Cross-Complaint:
April 26, 2007

Proposed Date on Which Signs Hawaii
Must Respond to Southwest Sign's
Cross-Complaint (one week later):
May 3, 2007

Scheduled Date of Hearing:
Date: April 27, 2007
Time: 10:30 a.m.
Dept.: Courtroom No. 3, 5th Floor

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STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER

Proposed Date of Hearing (one week later):

Date: May 4, 2007

Time: 10:30 a.m.

Dept.: Courtroom No. 3, 5th Floor

IT IS HEREBY STIPULATED by and between defendant and cross-complainant Southwest Signs, LLC and cross-defendant Signs Hawaii that the date on which Signs Hawaii shall file a responsive pleading to Southwest Signs' cross-complaint shall be continued one week – from April 26, 2007 to May 3, 2007.

IT IS FURTHER STIPULATED by and between plaintiff Michael Arbsland, defendant and cross-complainant Southwest Signs, LLC, defendant and cross-defendant The Home Depot, cross-defendant L. Moriguchi, Inc. dba Sign Art and cross-defendant Signs Hawaii that the case management conference currently scheduled for Friday, April 27, 2007 at 10:30 a.m. in Courtroom No. 3, 5th floor, in the above-entitled court shall be continued by one week – to Friday, May 4, 2007 at 10:30 a.m. in Courtroom No. 3, 5th floor, in the above-entitled court, located at 280 South First Street; San Jose, CA 95113-3099.

Good cause exists for this continuance as follows:

1. Signs Hawaii had previously scheduled a hearing on a motion to compel responses to its subpoena for March 27, 2007. Counsel for Signs Hawaii just learned Magistrate Trumbull will be unavailable on that date. The hearing on the motion to compel, therefore, will be scheduled one week later, i.e., on April 3, 2007.

2. All dates flowing from this hearing date – the date on which Signs Hawaii will respond to the cross-complaint of Southwest Signs and the date on which the case management conference will be held – are affected by this hearing date. It has therefore become necessary to extend these dates by one week.

3. The concurrently filed declaration of Elizabeth A. Sullivan sets forth the reasons why counsel for plaintiff has failed to execute the stipulation – Signs Hawaii's

1 counsel has attempted no less than 10 times to contact plaintiff's counsel, Michael Shea
2 Jr. Despite leaving messages with Mr. Shea's secretary as well as voicemails, Mr. Shea
3 has failed to return a single telephone call. Most recently, on February 7, 2007, Ms.
4 Sullivan attempted to contact Mr. Shea and was informed by his secretary Mr. Shea was
5 again "unavailable." Accordingly, it has been impossible to contact counsel — much less
6 obtain his signature to this stipulation.

7 IT IS HEREBY STIPULATED THAT the response of Signs Hawaii to Southwest
8 Signs' cross-complaint, previously due April 26, 2007, will now be due one week later,
9 i.e., on May 3, 2007.

10 IT IS FURTHER STIPULATED that the case management conference, previously
11 scheduled for April 27, 2007 at 10:30 a.m. in Courtroom No. 3, 5th Floor, of the above-
12 entitled court, will now take place one week later, i.e., on May 4, 2007 at 10:30 a.m. in
13 Courtroom 3, 5th Floor, of the above-entitled court.

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16 IT IS SO STIPULATED.

17
18 DATED: February __, 2007

SHEA & SHEA
MICHAEL M. SHEA, JR.

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20
21 By: _____

22 Michael M. Shea, Jr.
23 Attorneys for Plaintiff Michael Arbsland
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26
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1 DATED: February 8, 2007

CESARI, WERNER AND MORIARTY
DENNIS F. MORIARTY
ANDREW S. WERNER
JOSE A. MONTALVO

2
3
4
5 By: 

Andrew S. Werner

6
7 Attorneys for Defendant and Cross-Complainant
8 Southwest Signs, LLC

9
10 DATED: February __, 2007

LA PLANTE, SPINELLI & DONALD
DOMINIC D. SPINELLI

11
12
13 By: _____

Dominic D. Spinelli

14 Attorneys for Cross-Defendant L. Moriguchi,
15 Inc., dba Sign Art

16
17 DATED: February __, 2007

JENKINS GOODMAN NAUMAN &
HAMILTON LLP
JOSHUA S. GOODMAN

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20
21 By: _____

Joshua S. Goodman

22 Attorneys for The Home Depot
23
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28

1 DATED: February __, 2007

CESARI, WERNER AND MORIARTY
DENNIS F. MORIARTY
ANDREW S. WERNER
JOSE A. MONTALVO

By: _____
Andrew S. Werner

Attorneys for Defendant and Cross-Complainant
Southwest Signs, LLC

10 DATED: February 8, 2007

LA PLANTE, SPINELLI & DONALD
DOMINIC D. SPINELLI

By: *Dominic D. Spinelli*
Dominic D. Spinelli

Attorneys for Cross-Defendant L. Moriguchi,
Inc., dba Sign Art

17 DATED: February __, 2007

JENKINS GOODMAN NAUMAN &
HAMILTON LLP
JOSHUA S. GOODMAN

By: _____
Joshua S. Goodman

Attorneys for The Home Depot

1 DATED: February __, 2007

CESARI, WERNER AND MORIARTY
DENNIS F. MORIARTY
ANDREW S. WERNER
JOSE A. MONTALVO

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4
5 By: _____

Andrew S. Werner

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7 Attorneys for Defendant and Cross-Complainant
8 Southwest Signs, LLC

9
10 DATED: February __, 2007

LA PLANTE, SPINELLI & DONALD
DOMINIC D. SPINELLI

11
12
13 By: _____

Dominic D. Spinelli

14 Attorneys for Cross-Defendant L. Moriguchi,
15 Inc., dba Sign Art

16
17 DATED: February 8, 2007

JENKINS GOODMAN NAUMAN &
HAMILTON LLP
JOSHUA S. GOODMAN

18
19
20
21 By: Pavan L. Rosati

Pavan L. Rosati

22 Attorneys for The Home Depot
23
24
25
26
27
28

1 DATED: February 7, 2007

ADLER LAW GROUP
ERWIN E. ADLER
ELIZABETH A. SULLIVAN

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6 By: Elizabeth A. Sullivan
7 Elizabeth A. Sullivan
8 Attorneys for Signs Hawaii
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10 IT IS SO ORDERED.
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13 DATED: 2/12/07
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15 Jeremy Fogel
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17 Hon. D. Jeremy Fogel
18 Judge of the United States District Court
19 for the Northern District of California
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STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER